

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC.,

Plaintiff,

v.

APOTEX, INC.,


Defendant.

C.A. No. 06-230 (GMS)

ORDER

The court has determined that it will grant Merck's motion to dismiss for lack of subject matter jurisdiction in light of Merck's covenant not to sue Apotex. (D.I. 15.) A memorandum and order will follow at the court's earliest convenience.

Dated: April 10, 2007


UNITED STATES DISTRICT JUDGE

